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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMANN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON JULY 27, 1946, 0945-1300 LORD JUSTICE LAWRENCE PRESIDING.

SIR HARTLEY SHAWCROSS: May it please the Tribunal :

Yesterday when we recessed I had been dealing with war crimes and stricto senso and in particular with the murder of the RAF officers from Stalagluft 3.

I want now very shortly to consider the question of employment of prisoners of war. Under Article 31 of the Geneva Convention it might have been permissible to employ prisoners on certain work in connection with the raw materials of the armament industry. But the statement made by Milch at the Central Planning Board on the 16th of February 1943 in the presence of Speer and Sauckel had no legal justification at all. He dais, if you will remember, and I quote :

"We have made a request for an order that a certain percentage of men in the Ack-Ack artillery must be russians. 50,000 will be taken altoget 30,000 are already employed as gunners. This is an amusing thing that Russians must work the guns."

That was obviously flagrantly illegal. Nobody could have had the faintest doubt about it. The minutes record no protest. It has not been suggested that Goering or any of the others who must have read the minutes and known what was going on, regarded this outrage by the effective head of the German Air Force as in any way unusual.

Himmler's cynical words spoken at Posen on the 4th October 1943 on the subject of the Russian prisoners captured in the early days of the campaign ought again to be put on record for history :

"At that time we did not value the mass of humanity as we value it to day as raw material, as labour. What, after all, thinking in terms of generations is not to be regretted but is now deplorable by reason of the loss of labour is that the prisoners died in tens and hundreds of thousands of exhaustion and hunger."

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I turn now to the murder of the Commandos.

The evidence with regard to the Commando Order of 18th October 1942 c rectly involves Keitel, Jodl, Doenitz, Raeder, Goering and Kaltenbrunner. By article 30 of the Hague Rules and I quote:

"A spy taken in the act shall not be punished without previous trial." Whilst even the regulations printed in the book of every German soldier provide :

"No enemy can be killed who gives up, not even a partisan or a spy. These will be brought to punishment by the Courts."

These men were not spies : they were soldiers in uniform. It is not suggest that any man dealt with under this Order was ever given a trial before he was shot. Legally there can be no answer to the guilt of any of these defer dants who passed on or who applied this wicked order, and order which Jodl admitted to be murder and in respect of which Keitel, confessing his shame, admitted its illegality.

Raeder admitted that it was an improper order. Even Doenitz stated that r he knowthe true facts he no lon er regarded it as correct. The only defenc put forward have been that the individual in question did not personally carry it out, that they regarded the statement the first paragraph of the order as justifyin the action by way of reprisal, that they did their best to minimise its effect and that it was not up to the individual to question the directives of a superior. But no one has seriously disputed that handing over to the SD in the context here meant shootin without a trial.

The answer to these defences, in so far as the defenses are not purely dishonest, is that the security precautions provided in the order itself were the plainest indication that the facts stated in the first paragraph did not constitute any justification which would bear the li ht of day. No hi her de ree of precaution accompanied the Kugel Order, Nacht und Nebel Or der, or any other of their brutal orders. That the shacklin incident at Dieppe had nothi to do with it appears from Jodl's staff memorandum of t 14th October 1942 which states in terms that the Fuehrer's aim was to prevent the Commando method of wa in war by droppin small detachments who d great dama e by demolitions, etc., and then surrendered.

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The cancellation of the order in 1934 is further evidence that those responsible for it recognised their guilt, guilt which was perhaps best summarised by the entry in the War Diary of the Naval War Staff with regard to the shooting of the Commandos taken in uniform at Bordeaux; "Something new in International Law". Yet Raeder and his Chief of Staff were prepared to initial that entry. Kaltenbrunner's knowledge is clearly shown by his letter to the Armed Forces Planning Staff of the 23rd January 1945 referring to it in detail and disputing its application to particular categories.

Othermen have already been sentenced to death for execution of this or men whose only defence was that they obeyed an order from their superiors. I refer to the members of the SD who were executed for the murder of the crew of Motor Torpedo Boat 345 in Norway and General Dostler in Italy. Innumerable instances from their own records have been proved against these defendants. Shall they escape ? You will remember the attitude of the Nazi People's Court , in 1944 to the pea of superior orders.

The Commando Order cannot compare in wickedness or brutality with the Nacht und Nebel Order (Night and Fog Order) of the 7th December 1941. The Hitler directive signed by Keitel, after prescribing the death penalty for offences endangering the security or state of readiness of the occupying powers, orders the removal to Germany of offenders, other than those whose execution could be completed in a very short time, under circumstances which would deny any information with regard to their fate. And Keitel's covering letter of the 12th December gives the reason :

"Efficient and enduring intimidation can only be achieved either by capital punishment or by measures by which the relatives of the criminals and the population do not know the fate of the criminal. This aim is achieved when the criminal is transferred to Germany."

It is interesting to contrast that statement written when Keitel thought that Germany was winning the war with his evidence before the Tribunal. He said, you will remember :

"Penal servitude would be considered dishonourable by these patriots . By going to Germany they would suffer no dishonour."

This decree was still being enforced in February 1944 when the

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Commanders of some 18 concentration camps were being reminded of its purpose and how to dispose of the bodies of the "Night and Fog" prisoners without revealing the place of death. The treatment of these prisoners was described by the Norwegian witness, Cappelen, and members of the Tribunal will not have forgotten his account of the transport of between 2500 and 2800 Nacht und Nebel prisoners from one concentration camp to another in 1945 when 1,347 died on the way. We who talk about the dignity of man let us remember this and I quote again (Cappelen speaking):

"Feeble as we were, we could not walk fast enough and when they took their guns, the line of five, the line just before us -they took their guns and smashed in the heads of all five of them and they said :

"If you don't walk in an intelligent way see what will happen to you" But at last after six to eight hours we came to a railway station. It was very cold and we had only such striped prison clothes on and bad boots, naturally but we said, 'Oh, we are glad that we have come to a railway station. It is better to

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stand in a cow truck than to walk in the middle of winter. It was very cold, ten to twelve degrees I suppose, very cold. There was a long train with open trucks. In Norway we call them sand trucks and we were kicked on to those trucks about 80 on each truck/..In this truck we sat for about five days without food - cold - without water. When it was snowing we made like this (indicating) just to get some water in the mouth and naturally after a long long time, it seemed to me like years, we came to a place which I afterwards learnt was Dora which is in the neighbourhood of Buchenwald. We came there. They kicked us down from the trucks, but many were dead. The man who sat by me, he was dead, but I had no right to get away. I had to sit with a dead man for the last day, and I didn't see the cyphers myself, naturally, but about half of us were dead, getting stiff, and they told that - I heard the cipher afterwards in Dora - that the cipher of dead on our train was 1,347. Well, from Dora I don't remember so much, because I was more or less dead. I have always been a man of good humour and high spirited, to help myself first and my friends, but I had nearly given up. And tho: at the end of our sufferings we were rescued and brought to Neuengamme by Hamburg, and when we arrived there were some of my old friends, the student from Norway whohad been deported to Germany, other prisoners who came from Sachsenhausen and other camps and the few, comparatively few, Norwegian Night and Fog prisoners who were living in very bad conditions. Many of my friends are still in hospital inNorway, soon died after coming home."

In July 1944 a yet more drastic order followed the Night and Fog. On the 30th of that month Hitler issued the Terror and Sabotage decree providing that all acts of violence by non-German civilians in occupied territories should be combatted as acts of terrorism and sabotage. Those not overcome on the spot were to be handed over to the SD, women put to work, only children spared. Within a month Keitel extended the order to cover persons endangering security or war preparedness by any means other than acts of terrorism or sabotage, the usual secrecy requirements were laid down, restricting distribution in writing to a minimum. He then ordered that the Terror and Sabotage decree was to form the subject of regular emphatic instruction to all personnel of

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the armed forces, SS and Police: it was to be extended to crimes affecting German interests, but not imperilling the security or war preparedness of the occupying power. New regulations could be made by the agreement of particular commanders and higher SS Chiefs. In other words and offense by any person in the occupied territories could be dealt with under this decree.

On the 9th September 1944, a meeting was solemnly held between representatives of the High Command and SS to discuss the relationship of the Night and Fog Order to the Terror and Sabotage decree. It was considered that the Night and Fog order had become superfluous and the meeting went on to consider the transfer of the 24,000 non-German civilians held under it by the SS to the SD. The meeting discussed the problem of certain neutrals who had been "turned into fog" by mistake. The German word "Vernebelt" justifies the statement of the witness Blaha that the special and technical expressions used in concentration camps can only be said in German and cannot really be translated into any other language. It is perhaps superfluous to remind the Tribunal that when the Luftwaffe General in Holland asked for authority to shoot striking railwaymen, since the procedure of handing over to the SD under the decree was too roundabout, Keitel, in a reply, copies of which were sent both to the Admiralty and to the Air Ministry as well as to the principal commanders in occupied territories, agreed at once that if there was any difficulty in handing over to the SD:

> "Other effective measures are to be taken ruthlessly and independently."

In other words, General Christiansen could shoot the railwaymen if he thought fit.

Let us not forget when we consider the problems of Europe in these days, that it is not easy for anyone who has not had to live in territory occupied by the Germans to realize the suffering and the state of terror and constant apprehension in which the peoples of Europe lived through the long years of subjection. It was Frank, who, writing on the 16th December 1941, said:-

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"As a matter of principle we shall have pity only for the German people - and for no one else in the world."

Save that they had no pity even for their own people, how faithfully these men carried out that principle.

I turn now to the attack on the Partisans. If any doubt remained that the German armed forces were directed not by honourable soldiers but by callous murderers, it must be dissolved by the evidence as to the appalling ruthlessness with which it was sought to put down the Partisans. The witness Ohlendorf said that the direction of anti-Partisan warfare was the subject of a written agreement between the German War Office, the High Command, and the SS. As a result of that agreement an Einsatz Group was attached to each Army Group H.Q. and directed the work of the Einsatz Commandos allotted to the group in co-ordination and agreement with the Military authorities. If confirmation of the Army's support, knowledge and approval were needed, one has only got to look at the report of the Einsatz Group A on its activities during the first three months of the campaign.

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against the Soviet Union

"Our task was to establish hurriedly personal contact with the Commanders of the Armies and with the Commander of the Army of the rear area. It must be stressed from the beginning that cooperation with the armed forces was general good, in some cases.....it was very close, almost cordial."

And again, speaking of the difficulty of dealing with the partisans in a particular area,

"After the failure of purely military activities such as the placing of sentries and combing through the newly occupied territories with whole divisions, even the armed forces had to look out for new methods. The Action group undertook to search for new methods. Soon therefore the armed forces adopted the experiences of the security police and their methods of combating the partisans."

One of these methods is described in the same report in these words:- "After a village had been surrounded, all the inhabitants were forcibly shepherded into the main square. The persons suspected on account of confidential information and the other villagers were interrogated and thus it was possible in most cases to find the people who helped the partisans. Those were either shot offhand, or ,if further interrogations promised useful information, taken to Headquarters. After the interrogation they were shot. In order to get a deterring effect the houses of those who had helped the partisans were burnt down on several occasions."

And then, after stating that villagers were always threatened with the burning of the whole village, the report adds:-

"The tactics to put terror against terror succeeded marvellously."

The Einsatz Commandos were, as Ohlendorf stated, under Kaltanbrunner's command, but the orders under which they were acting cannot have exceeded in severity those which were issued by Keitel. The Fuehrer order issued by him on 16th December 1942 on the combating of partisans states:

"If the fight against the partisans in the east as well as in the Balkans is not waged with the most brutal means, we will shortly reach the point wen the available forces are insufficient to control this area. It is therefore not only justifiable but it is the duty of the troops to use all means without restriction -- even against women and children so long as

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it ensures success."

Three days later he and Ribbentrop were informing their Italian opposite numbers at breakfast that :

"The Fuehrer had declared that the Serbian conspirators were to be turned out and that no gentle methods might be used in doing this."

Keitel interjected :

"every village in which partisans were found had to be burnt down."

Two months later Ribbentrop was urging the Italian Ambassador in Berlin to greater brutality in dealing with the partisans in Croatia:

"The gangs had to be exterminated and that included men women and children as their continued existence imperilled the lives of German and Italian men, women and children."

Goering appears to have assisted Himmler in recruiting the necessary personnel for anti-partisan work and he is recorded by a Cabinet Councillor on the 24th of September 1942 as stating that he was looking for daring fellows for employment in the East as Special Purpose Units and that he was considering convicts and poachers for the purpose. His idea was :

"in the regions assigned for their operations these bands, whose first task should be to destroy the communications of the partisan groups, could murder burn and ravish. In Germany they would once again come under strict supervision."

A month later he gave the Duce a description of Germany's method in combatting the partisans in the following terms:

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"To begin with the entire livestock and all foodstuff is taken away from the areas concerned so as to deny the partisans all sources of food. Men and women are taken away to Labor camps, children to children's camps and the villages burnt down.. Should attacks occur, then the entire male populati of villages would be lined up one side and the women on the other side. The women would be told that all men would be shot unless they (the women) indicated which of the men did not belong the village. In order to save their men the women always pointed out the stranger."

These methods were not confined to the East. They were going on throughout the length and breadth of every occupied territory. Wherever the slightest resistance was offered the German answer was to attempt to stamp it out with the utmost brutality. It would not be difficult to rival the events of Lidice and Oradour sur Glane by a hundred other instances.

One of the most brutal expedients -- the taking of hostages was the subject of an order by the German High Command on 16th September 1941. Keitel todered:

"It should be inferred in every case of resistance to the German occupying forces no matter what the individual circumstances that it is of Communist origin."

"In order to nip these machinations in the bud the most drastic measures should be taken immediately on the first indication so that the authority of the occupying forces may be maintained and further spreading prevented. In this connection it should be remembered that a human life in unsettled countries frequently counts for nothing and a deterrent effect can be attained only by unusual severity. The death penalty for 50 to 100 Communists should generally be regarded in these cases as suitable atonement for one German soldier's life. The way in which sentence is carried out should still further increase the deterrent effect."

We may compare the wording of the Einsatz Commando Report:

"In the knowledge that the Russian has been accustomed from old to ruthless measures on the part of the authorities, the most severe measures were applied."

There is no difference in outlook between Keitel and Kaltenbrunner: the

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German soldier was being ordered to emulate the SS.

A fortnight after issuing that order, Keitel, whose only defence was that he had pressed for 5 to 10 hostages for one German in place of 50 to 100, had had a further idea, and on the 1st October 1941 he suggested that it is advisable that military commanders should always have at their disposal a number of hostages of different political tendencies, Nationalist, democratic-bourgeois, or Communist, adding:

"It is important that among them shall be well known leading personalities of members of their families whose names are to be made public, Depending on the membership of the culprit, hostages of the corresponding group are to be shot in case of attacks."

The original document bears the ominous note: "Complied with in France and Belgium."

The effect of these order throughout the German Army is well seen from three instances of the action taken by a local commander.

In Yugoslavia, a month after Keitel's original order a station commander reported that in revenge for the killing of ten German soldiers and the wounding of another twenty six, a total of 2,300 people had been shot, 100 for each killed and 50 for each wounded German soldier.

On the 11th July 1944 the Commander of the District of Kovolo in Italy was, in a public poster, threatening to kill 50 men for every member of the German Armed Forces whether military of civilian, who was wounded, and a hundred if a German was killed. In the event of more than one soldier or civilian being killed or wounded, all the men of the district would be shot, the houses set on fire, the women interned, and the cattle confiscated immediately. In June of the same year 560 persons, including 250 men, were reported by Kesselring as having been taken into custody under threat of shooting within 48 hours, some German colonel having been captured by bandits.

The men directly implicated in these brutalities are Goering, Ribbentrop, Keitel, Jodl, and Kaltenbrunner, but who can doubt that every man in that dock knew of the orders and of the way in which the German Armed Forces were being taught to murder men, women and children, and were doing so

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throughout the length and breadth of Europe? Raeder, who says he disapproved of this sort of policy in Norway, states that he tried to dissuade Hitler, yet he continued to hold his post and to lend his name to the regime under which these theings were being done.

I pass on to matters with which he, and Doenitz were more immediately responsible. The conduct of the war at sea reveals exactly the same pattern of utter disregard for law and for decency. There can seldom have been an occasion when the minds of two naval commanders have been so clearly read from their documents as those of the defendants Raeder and Doenitz that can be read in the present case.

As early as the 3rd September 1939 the German Navy, in a memorandum to the Foreign Office, were seeking agreement to a policy of sinking without warning both enemy and neutral merchant ships in disregard of the London Submarine Rules, their own Price Ordinance and of International Law. A series of documents during the following six weeks reveals constant pressure on the Foreign Office by Raeder to consent to this policy.

On the 16th October 1939 Raeder produced a memorandum on the intensification of naval war against England. In this document, having proclaimed the "utmost ruthlessness" as necessary and the intention to destroy Britain's fighting spirit within the shortest possible time, Raeder went on to say:

"The principal target is the merchant ship, not only the enemy's but in general every merchant ship which sails the seas in order to supply the enemy's war industry both for imports and exports."

It is that document which contains the infamous passage:

"It is desirable to base all military measures taken on existing international law; however measures which are considered necessary from a military point of view, provided a decisive success can be expected from them, will have to be carried out even if they are not covered by existing international law. In principle, therefore, any means of war which is effective in breaking enemy resistance should be used on some legal conception, even if this entails the creation of a new code of naval warfare."

In another memorandum on the 30th December he went on to urge further

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intensification, particularly with regard to neutrals:

"without binding ourselves to any conceptions of warning,"

and he suggested that as they were going to invade neutral States it really did not matter if they went a little far at sea.

"The intensified measures of the war at sea will in their political effect only play a small part in the general intensification of the war."

You will have noted that the e memoranda on the conduct of the war at sea echo the High Command's view on the future war which had been written eighteen months earlier:

"The normal rules of war towards neutral nations may be considered to apply only on the basis of whether the operation of these rules will create greater advantages or disadvantages for the warring nations."

Was that a mere coincidence: at all events, such was the pattern laid down by Raeder and followed by Doenitz. From the very first the Naval War Staff never had any intention of observing the laws of war at sea.

The Defence that the sinking of Allied merchant ships without warning was justified by Allied measures is as untenable as the suggestion that the sinking at sight of neutral merchant ships was preceded by warning which complied with the requirements of International Law. You have seen the very vague and general warnings given to the neutrals and the memorandum of the Naval War Staff revealing that these were deliberately given in the most general terms because Raeder knew that the action he intended against neutrals was utterly illegal. I need not remind you of the document which suggests that orders should be given by word of mouth and a false entry made in the log book, the very practice followed in the case of the "Athenia," or of the entric in Raeder's own war diary revealing that carefully selected neutrals should be sunk wherever the use of electric torpedoes might enable the Germans to maintain that the ship had really struck a mine. You have confirmation in the bland denials prepared by Raeder to answer the protests of the Norwegian and Greek Governments on the sinking of the "Thomas Walton" and "Garufalia" and the reluctant admission in the case of the "Deptford," all three ships sunk

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in December 1939 by the same U-boat. Nothing reveals more of the cynicism or opportunism with which Raeder and Doenitz treated International Law than the contrast between their attitude towards the sinking of a Spanish ship in 1940 and that in September 1942. In 1940 Spain did not matter to Germany; in 1942 she did.

Details with regard to the various successive measures taken in the course of putting into effect the policy of sink at sight do not require recapitulation but there are two features of the conduct of naval warfare by these two defendants which I emphasize. First, they continued to put out to the world that they were obeying the London Rules and their own Prize Ordinance. The reason for that appears in Raeder's memorandum of the 30th December 1939 where he says:

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> "A public announcement of intensified measures for the war at sea must be urgently advised against in order not to burden the Navy again in the eyes of history with the odium of unrestricted U-boat warfare."

And that, you see, is the common plan - the common plan- the very argument put forward by Jodl and Doenitz in February 1945, in favour of simply breaking the regulations of the Geneva Convention rather than announcing Germany's renunciation of it to the world. And here, once again, is the doctrine of military expediency: if it will pay Germany to break a particular law she is entirely justified in breaking it, provided always it can be done in such a way as to avoid detection and the condemnation of world opinion.

It must not be thought that in initiating this policy of sink at sight and in disregarding the rules of the war at sea Raeder was any more drastic than Doenitz. In his defense Doenitz made a great effort to explain away his order of 17th September, 1942. I ask the Tribunal to remember its terms:-

> "No attempt of any kind must be made at rescuing members of ships sunk.... Rescue runs counter to the rudimentary demands of warfare for the destruction of enemy ships and crews."

His diary entry of the same date, which confirms that order, starts:

> "The attention of all C.O's. is again drawn to the fact that all efforts to rescue..... run counter to the rudimentary demands of warfare....."

Well, the defendant denied that this means that crews were to be destroyed or annihilated. But the previous history makes it abundantly clear that this was an invitation to U-boat commanders to destroy the crews of ship-wrecked merchantmen, while preserving an argument for Doenitz to make, should - as has indeed happened - occasion arise. That, after all, was the pattern laid down by Hitler when on the 3rd January 1942, he told Oshima that

> "he must give the order that in case foreign seamen could not be taken prisoner.... U-boats were to surface after torpedoing and shoot up the lifeboats."

The evidence shows constant pressure by Hitler from then on for the issue of this order. It is admitted that he demanded it

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at a meeting with both Doenitz and Raeder on the 14th May and that he raised the question again on the 5th September. Doenitz himself referred to pressure by Hitler during the "Laconia" incident. You have confirmation that the order issued on the 17th September was intended to bear the construction put upon it by the Prosecution in the evidence of the witness Heisig and that of Moehle. Is it conceivable that a senior officer would have been allowed to go on from the 17th September 1942 until the end of the war briefing the hundreds of U-boats which set out from Kiel that this was an order to annihilate unless that was what the Naval War Staff intended? You have the evidence that Doenitz himself saw every U-boat commander before and after his cruise, his own admissions with regard to the comments made by his staff officers at the time he drafted the order and his general attitude revealed by the order of October 1939, which he admits was a non-rescue order - an utterly indefensible order in itself in the submission of the Prosecution. There is further the coincidence that the very argument which Hitler advanced to Oshima, namely, the importance of preventing the Allies finding the crews for the immense American construction programme, was the argument Doenitz himself admits putting forward on the 14th May, was the argument which Heisig reports hearing, and is the reason given for the subsequent order to give priority in attacking convoys to sinking rescue ships. You have the instances of the "Antonico", the "Noreen Mary" , and the "Peleus" whilst the man who expressed horror at the idea that he should issue such an order admittedly saw the log of the U-boat which sank the "Sheaf Mead" with its brutal entry describing the sufferings of those left in the water. Doenitz' own statement was that "to issue such a directive could only be justified if a decisive military success could be achieved by it." Was it not because, as his own document shows, the percentage of ships being sunk outside convoys in September 1942, was so high that a decisive military success might have been gained that this

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order was issued, whereas in April 1943, when almost all sinkings were in convoy, it was not necessary to issue a further order yet more explicit in its terms?

The Prosecution firmly and strongly submit that the defendant Doenitz intended by that order to encourage and procure as many submarine commanders as possible to destroy the crews of torpedoed merchant ships but deliveratoly couched the order in its present language

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so that he could argue the contrary if circumstances required it. On the evidence of Admiral Wagner that the Naval War Staff approved the order of 17th September 1942 with respect to survivors, Raeder cannot escape responsibility and, indeed, since he was present at the meeting with Hitler in May of that year and received the Fuehrer order of the 5th September 1942 to issue instructions to kill survivors, there can be little doubt that he was fully involved in his subordinate's Policy.

Although within a few months Allied air power made it impossible for U-boats in most areas to risk surfacing at all after they had discharged their torpedo, and the question became one of less importance, it is interesting to note that when the order against rescue ships was issued on the 7th of October the following year the same phrase "destruction of ship's crews" recurred.

Despite the denial of Kapitan Leutnant Eck, there can really be no real doubt that, briefed by Hoehle, he did what his superior officers intended him to do. Why should it be supposed that a man, who a month later received Hitler's Commando Order without protest, should shrink from ordering the destruction of seamen on rafts or clinging to wreckage, when Hitler had explained its military necessity. Eck, who obeyed the orders of Raeder and Doenitz, has paid the supreme penalty. Are they to escape with less?

I turn now to yet another war crime - the use of slave labour. Its importance for the German war machine had been appreciated by these Defendants long before the outbreak of war. Hitler had mentioned it in "Mein Kampf" and emphasized it at the meeting in May 1939. A few weeks later in June the Reich Defense Council, Goering, Frick, Funk and Raeder and representatives of every other Ministry of State were planning to employ 20,000 concentration camp inmates and hundreds of thousands of workers from the Protectorate in the coming war.

Hitler's plan for Poland, revealed to Schirach and Frank, was as follows: -

> "The ideal picture is this - a Pole may possess only small holdings in the Government General which will to a certain extent provide him and his family with food. The money required by him for clothes, etc.,

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> he must earn in Germany by work. The Government General must become a centre for supplying unskilled labour, particularly agricultural labour. The subsistence of these workmen will be fully guaranteed because they can always be made use of for cheap labor."

That policy, was, of course, a short-term policy, the real aim being the elimination of the Eastern peoples. Sauckel was appointed Plenipotentiary with the task of replacing two million German workers who had been called to service with the Wehrmacht, and he, himself says that after Hitler hademphasized that it was a war necessity he had no scruples and within a month of his appointment he had sent his first labour mobilization programme to Rosenberg.

> "Should we not succeed in obtaining the necessary labour on a voluntary basis we must immediately institute conscription of forced labour ....a gigantic number of new foreign slave workers ... men and women... an indisputable necessity."

This programme he was to carry out

> "with every possible pressure and a ruthless commitment of all our resources."

It is unnecessary to refer to the voluminous evidence of the execution of this policy for the recruitment of workers. It issufficientto quote Sauckel again addressing the Central Planning Board in March of 1944:

> "Trained male and female agents who shanghaied men for labour in Germany ... Out of five million foreign workers who arrived in Germany not even 200,000 came voluntarily."

The methods employed in their forced deportations are hideous in their brutality and must have been known to every one of these defendants. In April of 1941 Himmler was addressing the officers of the SS Leibstandarte Adolf Hitler:

> "Very frequently a member of the Waffen SS thinks about the deportation of this people, here. These thoughts come to me today watching the very difficult work performed by the Security Police and supported by yyur men who help them a great deal. Exactly the same thing happened in Poland in weather 40 degrees below zero where we had to haul away thousands, tens of thousands, hundreds of thousands."

And again:

> "Whether 10,000 Russian females fall down from exhaustion while digging an anti-tank ditch interests me only in so far as the anti-tank ditch for Germany is finished....When somebody comes to me and says, 'I can't dig the anti-tank ditch with women and children, it is inhuman, for it would kill them', then I have to say that you are a murderer of

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> your own blood because if the anti-tank ditch is not dug, German soldiers will die and they are the sons of German mothers... We must realize that we have 6-7 million foreigners in Germany .... Perhaps it is even eight million now we have prisoners in Germany. They are none of them dangerous so long as we take severe measures at the merest trifle."

By August 1943 the need for workers was even greater. Himmler ordered

> "That all young female persons capable of work are to be sent to Germany for work through the agency of Reich Commissioner Sauckel. Children, old women and men are to be collected and employed in women's and children's camps."

The orders issued to Group Leaders of the SD, active in the Ukraine, showed the same urgency.

> "The activity of the Labour Office .... is to be supported to the greatest extent possible! It will not be possible always to refrain from using force... When searching villages, especially when it has become necessary to burn down a village, the whole population will be put at the disposal of the Commissioner by force. As a rule, no more children will be shot....If we limit our harsh measures through the above orders for the time being, it is only done for the following reason! The most important thing is the recruitment of workers."

Speer admitted - how could he deny it - the knowledge and approval of the way the workers were enrolled and brought to Germany against their will; therewas Kaltenbrunner's letter to his friend Blaschke:

> "For special reasons I have in the meantime given orders to ship several evacuation transports to Vienna, at present four shipments with approximately 12,000 Jews are pending. They should reach Vienna within the next few days .... Women unable to work and children of those Jews who are all kept in readiness for special action and therefore one day will be removed again, have to stay in the guarded camp also during the day."

That sinister phrase again - the meaning of which they all knew so well - "special treatment", "special action". Murder remains murder by whatever euphemism murderers may seek to describe it.

The need for labour became so urgent that not only were even Jews spared the gas chambers so long as they were fit for employment but children were seized and put to work.

So much for their deportation to Germany. What was to be their lot on their arrival? As early as March 1941 instructions had been issued to the Kreis Farmers Association on the treatment Polish farm workers were to receive. They were to have no rights to complain. They were forbidden this religious people, to visit churches: all forms of entertainment, public transport were barred. Their employers were given the right to

inflict corporal punishment and were "not to be held accountable in any case by any official agency." And lastly, it was ordered:

> "Farm workers of Polish nationality should if possible be removed from the community of the home, they can be quartered in stables, etc. No remorse whatever should restrict such action."

The treatment of those employed in industry was even worse. You will remember the affidavit of the Polish doctor in Essen who did his best to attend to the Russian prisoners of war:

> "The men were thrown together in such a catastrophic manner that no medical treatment was possible....It seemed to me unworthy of human beings that people should find themselves in such a position.... Every day at least ten men were brought to me whose bodies were covered with bruises on account of the continual beatings with rubber tubes, steel switches or sticks. The people were often writhing with agony and it was impossible for me to give them even a little medical aid....It was difficult for me to watch how such suffering people could be directed to do heavy work... Dead people often lay for two or three days on the palliasses until their bodies stank so badly that fellow prisoners took them outside and buried them somewhere..... I was a witness during a conversation with some Russian women, who told me personally that they were employed in Krupps factory and that they were beaten daily in a most bestial manner.... Beating was the order of the day."

By the end of 1943 more than five million men, women and children were working in the Reich and if we include prisoners of war the total of those working in Germany was at this date just under 7,000,000. To these must be added the hundreds of thousands brought in during 1944. Millions of men and women taken from their homes by the most brutal methods, transported in all weathers in cattle-trucks from every quarter of Europe, employed on farms and in factories throughout the Reich, frequently under abominable conditions. Children taken from their parents, many to remain for their lives, orphans, not knowing their identity or true names; taken away before they were old enough to remember the place from which they came. What is the measure of this crime? No man in that dock can dispute his knowledge or his complicity. The minutes of the Central Planning Board must have been read in every department of the State. You have seen the mass of evidence connecting the military leaders and every other branch of the Government with this colossal programme of slavery. None of these men can be acquitted of this crime. None of them can have been ignorant of the scale and brutality with which it was perpetrated.

I pass now to a connected matter, but one even more terrible. The

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general manner in which the Defendants conducted the belligerent occupation of the territories which they had overrun.

The evidence that these territories were thescene of murder, slavery, terrorism and spoliatinn on a scale without precedent in history, in breach of the elementary rules as to belligerent occupation has not really been seriously challenged. These crimes were in no sense sporadic or isolated depending on the sadism of a Koch here or cruelty by a Frank there. They were part and parcel of a deliberate and systematic plan of which their action in regard to slave labour was a lust symptom. In order to establish the "1,000-year Reich", they set out to accomplish the extermination or permanent weakening of the racial and national groups of Europe or of those sections, such as the intelligentsia, on which the survival of those groups must largely depend.

The origin of this terrible attempt upon the existence of free and ancient nations goes back to the whole Nazi doctrine of total war which rejected war as being merely against States and their armies, as international law provides. Nazi total war was also a war against civilian populations, against whole peoples. Hitler told Keitel at the end of the Polish campaign:

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"Shrewdness and severity must be the maxims in this racial struggle in order to spare us from going to battle on account of Poland again."

The aims of genocide were formulated by Hitler in the following words in his conversation with Hermann Rauschning:

"The French complained after the war that there were twenty million Germans too many. We accept the criticism. We favour the planned control of population movements. But our friends will have to excuse us if we subtract the twenty millions elsewhere. After all these centuries of whining about the protection of the poor and lowly, it is about time we decided to protect the strong against the inferior. It will be one of the chief tasks of German statesmanship for all time to prevent, by every means in our power, the increase of the Slav races. Natural instincts bid all living beings not merely to conquer their enemies, but also destroy them. In former days, it was the victor's prerogative to destroy entire tribes, entire peoples. By doing this gradually and without bloodshed, we demonstrate our humanity."

Himmler's vision was similar:

"For us the end of this war will mean an open road to the East, the creation of the Germanic Reich in this way or that.... the fetching home of 30 million human beings of our blood, so that still during our lifetime we shall be a people of 120 million Germanic souls. That means that we shall be the sole decisive power in Europe. That means that we shall then be able to tackle the peace, during which we shall be willing for the first twenty years to re-build and spread out our villages and towns, and that we shall push the borders of our German race 500 kilometers further out to the East."

Their aims went beyond mere Germanisation, the imposing of the German cultural pattern upon other peoples. Hitler was resolved to expel non-Germans from the soil he required, but that they owned, and colonize it by Germans. This is plainly stated in "Mein Kampf".

"... The Polish policy in the sense of a Germanisation of the East, demanded by so many, was rooted unfortunately almost always in the same wrong

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conclusion. Here too it was believed that one could bring about a Germanisation of the Polish element by a purely linguistic integration into the German nationality. Here too the result would have been an unfortunate one; people of an alien race, expressing its alien thought in the German language, compromising the height and dignity of our own nationality by its own inferiority."

Himmler put it even more clearly:

"It is not our task to Germanise the East in the old sense, that is to teach the people there the German language and the German law, but to see to it that only people of purely Germanic blood live in the East."

The defendants were careful to conceal their true aims from their victims. In January 1940 a captured report reads:

"In order to relieve the living space of Poles in the Government General as well as in the liberated East, one should remove cheap labour temporarily by hundreds of thousands, employ them for a few years in the old Reich, and thereby hamper their native biological propagation,"

and it concludes

"Strictest care is to be taken that secret circulars, memoranda and official correspondence which contain instructions detrimental to the Poles are kept rigidly under lock and key so that they will not some day fill the White Books printed in Paris or the U.S.A.

Again, the day before the appointment of Rosenberg as Minister for the East, Hitler told him in the presence of Keitel, Goering and Bormann:

"We ought to act here in exactly the same way as we did in the case of Norway, Denmark, Holland and Belgium. In these cases too we did not publish our aims and it is only sensible to continue in the same Way. Therefore we shall emphasize again that we were forced to occupy, administer or secure a certain area. It was in the interests of the inhabitants that we provided order, food, communications, etc. Hence our measures. Nobody shall be able to recognise that it initiates a final settlement. This need not prevent our taking all necessary measures - shooting at sight, etc., and we shall take them."

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Having given these words of caution to his confederates, you will remember how Hitler went on to elaborate his plans for the destruction of the Soviet peoples. The Crimea, he said, must be evacuated of all foreigners and settled by Germans only.

"We now have to face the task of cutting up the giant cake according to our needs in order to be able

Firstly, to dominate it,
secondly, to administer it,
thirdly, to exploit it."

The pattern was exemplified in the infamous plan of Neurath and Frank for Bohemia and Moravia -- the same Neurath whose Counsel the day before yesterday asked you to respect the holiness of the individual. The pattern, I say, was exemplified in their plan for Bohemia and Moravia. No more terrible document has been put in evidence in this trial nor one which more completely exposes the falsity of the slogan "Lebensraum", which constituted the excuse for the rape of Czechoslovakia. That plan required the elimination of the intelligentsia, the bears of Czechoslovakia history and tradition, and since the long term solution of evacuating all Czechs completely from the country and replacing them by Germans could not be effected immediatelu because of shortage of Germans, a short term solution of Germanising the remainder of the population. This was to be dine by rendering their language a dialect, by abolition of higher education, by instituting a stringent marriage policy after previous racial examination. You will remember Frank's summary:

"Apart from the continuance of the propaganda for Germanization and the granting of advantages as an inducement, severest police methods with exile and special treatment for all saboteurs. Principle: "Pastry and Whip".

You will remember too the plan for Poland discussed in Hitler's train on 12th September 1939 by Ribbentrop, Keitel and Jodl as described in the evidence of the witness Lahausen and the discussion between Hitler, Schirach and Frank three weeks later after dinner in the Fuehrer's apartment.

"There should be one master only for the Poles -- the Forman: two masters side by side cannot and must not exist and therefore all

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all representatives of Polish intelligentsia are to be exterminated. This sounds cruel but such is the law of life."

Such were the plans for the Soveit Union, for Poland and for Czechs-slovakia. Genocide was not restricted to extermination of the Jewish people or of the gypsies. It was applied in different forms to Yugoslavia, to the non-German inhabitants of Alsace-Lorraine, to the people of the Low Countries and of Norway. The technique varied from nation to nation, from people to people. The long term aim was the same in all cases.

The methods followed a similar pattern: first a deliberate programme of murder, of outright annihilation. This was the method applied to the Polish intelligentsia, to gypsies and to Jews. The killing of millions, even by the gas chambers and mass shootings, employed was no easy matter. The defendants and their confederates also used methods of protracted annihilation, the favourite being to work their victims to death, hence Himmler's bond with the Minister of Justice in September 1942 under which anti-social elements were handed over to the SS "to be worked to death. On the 14th of the same month Goebbels was recommending this method in terms:

"With regard to the destruction of social life Dr. Goebbels has the opinion thatthe following groups should be exterminated: Jews and gypsies unconditionally, Poles who have to serve 3-4 years of penal servitude, and Czechs and Germans who are sentenced to death or penal servitude for life or to security custody for life. The idea of exterminating them by labour is the best."

Another favourite technique of extermination was by starvation. Rosenberg, the great architect of this policy of national murder, told his collaborators in June 1941:-

"The object of feeding the German people stands this year without a doubt at the top of the list of German's claims on the East, and there the southern territories and the Norther Caucasus will have to serve as a balance for the feeding of the German people. We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory.

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> We know that this is a harsh necessity bare of any feelings. A very extensive evacuation will be necessary without any doubt and it is sure that the future will hold very hard years in store for the Russians."

The method applied in Alsace was deportation. A captured report reads:

> "The first expulsion action was carried out in Alsace in the period from July to December, 1940: in the course of it, 105,000 persons were either expelled or prevented from returning. They were in the main Jews, gypsies and other foreign racial elements, criminals, anti-social and incurably insane persons, and in addition Frenchmen, and Francophiles. The Patois-speaking population was combed out by these series of deportations in the same way as the other Alsatians."

The report goes on to state that new deportations are being prepared and after reciting the categories affected, sums up the measures being taken:-

> "The problem of race will be given first consideration and this in such a manner that persons of racial value will be deported to Germany proper and racially inferior persons to France."

The Nazis also used various biological devices, as they have been called, to achieve genocide. They deliberately decreased the birthrate in the occupied countries by sterilization, castration and abortion, by separating husband from wife and man from women and obstructing marriage.

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"We are obliged to depopulate", said Hitler to Rauschning, "as part of our mission of preserving the German population. We shall have to develope a technique of depopulation. If you ask me what I mean by depopulation, I mean the removal of entire racial units. And that is what I intend to carry out - that, roughtly, is my task. Nature is cruel; therefore, we, too, must be cruel. If I can send the flower of the German nation into the hell of war without the smallest pity for the spilling of previous German blood, then surely I have the right to remove millions of an inferior race that breeds like vermin."

You have seen Neurath's use of this biological device in his plan for Czechoslovakia. Listen to Bormann's directives for the Eastern Territory summarized by one of Rosenberg's subordinates:-

"The Slavs are to work for us. In so far as we don't need them, they may die. Therefore, compulsory vaccination and German Health Services are superfluous. The fertility of the Slavs is undesirable. They may use contraceptives or practise abortion; the more the better. Education is dangerous. It is enough if they can count up to a hundred. At best an education which produces useful stooges for us is admissible".

Himmler speaks with the same voice:-

"We must be honest, decent, loyal and comradely to members of our own blood, to nobody else. What happens to a Russian, a Czech, does not interest me in the slightest. What the nations can offer in the way of good blood of our type we will take. If necessary by kidnapping their children and raising them here with us. Whether nations live in prosperity or starve to death interests me only in so far as we

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need them as slaves for our Kultur; otherwise it is of no interest to me."

The converse to methods designed to decrease the birthrate in occupied territories was the artificial increase in the birthrate of Germans. In February, 1941, the defendant Seyss-Inquart organised a system of giving away Dutch girls to German soldiers. In violation of Article 43 of the Hague Convention, he ordered changes in the law of the Netherland so that he could assume parental and guardianship rights over girls, substituting himself for their parents if the parents refused their daughters permission to marry German soldiers.

This policy of Seyss-Inquart's was later confirmed by the supreme authorities of the German Reich, Hitler, Keitel and Lammers on July 28th, 1942. A decree was issued granting subsidies and employment privileges for Dutch and Norwegian women bearing children to members of the German Armed Forces. And they have the impudence to talk now about the holiness of the individual. This was simply a plan to transfer, as if it were some mercantile commodity, the biological resources of Holland and Norway to the use of the German people. Himmler was one of the advocates of stealing children: as he said on the 14th October 1943:

"Obviously in such a mixture of peoples there will always be some racially good types. Therefore I think that it is our duty to take their children with us to remove them from their environment, if necessary by robbing or stealing them... Either we win over any good blood that we can use for ourselves and give it a place in our people or .... we destroy this blood."

In the case of Russia, Keitel who had learned the phrase "Shrewdness and severity" as the maxim for the exploitation of Poland, paved the way by his orders of the 13th May and 23rd July, 1941. I quote from the latter, drafted on his own admission by Jodl:

"In view of the vast size of the occupied areas in the East the forces available for establishing security in these areas will be sufficient only if all resistance is punished not by legal prosecution of the guilty but by the spreading of such terror by the armed forces as is

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appropriate to eradicate every inclination to resist among the population.

Commanders must find the means of keeping order. .. not by demanding more security forces but by applying suitable draconic methods."

The immediate needs of the war machine no doubt saved the Western Territories from similar destruction but the Tribunal have ample evidence of the plunder of France, the Low Countries and the other territories which these men exploited to the utmost possible extent. In view of the nature of their murderous policy, it is not surprising that the men charged by the defendants to carry it out were brutes. In Rosenberg's domain, for instance, there was Koch, who was recommended by Rosenberg for the post of Commissar in Moscow because of the very fact of his"absolute ruthlessness." It was Koch who caused the slaughter of several hundred innocent human beings in the Zuman wood area so that he could have a private hunting reserve. Another of Rosenber's agents was Kube, who wrote:

"We have liquidated in the last ten weeks about 55,000 Jews in White Ruthenia. In the territory Minskland, Jewry has been eliminated without endangering the manpower demands: in the pre-eminently Polish territory Lida 16,000 Jews, in Klin 8,000 Jews and so forth have been liquidated."

As to Poland, the orders given to Frank were as follows:

"Ruthless expansion.... reduction of entire Polish economy to absolute minimum necessary for bare existence... The Poles shall be the slaves of the greater German World Empire."

And we know how he carried it out. In January 1940 he records:

"Cheap labour must be removed from the General Government by hundreds of thousands. This will hamper the native biological propagation."

In May he speaks of:

"taking advantage of the focussing of world interest on the Western Front by wholesale liquidations of thousands of the Poles, first the leading representatives of the Polish intelligentsia".

and in December:

"Poles must feel they have only one duty; to work and to behave. We must carry out all measures ruthlessly: rely on me

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We who try to understand the problems of Eastern Europe must try to understand this: The details of the martyrdom of Poland cannot be described: A third of the people murdered; millions left impoverished, sick, maimed and helpless; liberation was just in time to save this ancient people from the terrible fulfilment of the programme which these men had plotted.

Would that be a convenient moment to ---

THE PRESIDENT: Certainly.

(A recess was taken.)

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There is one group to which the method of annihilation was applied on a scale so immense that it is my duty to refer separately to the evidence. I mean the extermination of the Jews. If there were no other crime against these men, this one alone, in which all of them were implicated, would suffic History holds no parallel to these horrors.

As soon as the prospect of a Second World War became a certainty, Streicher, wh had preached this infamous doctrine as far back as 1925, bega in earnest to advocate annihilation. As he, on his own admission, had been instrumental in effecting the Nurnberg Decrees by years of propaganda in favour of racial laws, so now, in January 1939, anticipating the war which was to come, he began, in articles published in the Sturmer with "the full support of the highest Reich authority", to demand with all vehemence the physical extinction of the Jewish race. Unless words have completely lost their meaning, what do these mean but murder :

"They must be exterminated root and branch"

"Then will the criminal race be forever eradicated"

"Then will they slay the Jews in masses"

"Prepare a grave from which there can be no resurrection"

Almost immediately after the war had started the organised extermination of the Jewish race began : Hoess has told you :

"The final solution of the Jewish question means the complete extermination of all Jews in Europe. I was ordered to establish extermination facilities in Auschwitz in June 1941. At that time there were already in th General Government 3 other extermination camps, Belzek, Treblinka and Wolzek."

Already the Jews in Germany and Poland had been concentrated in the ghettos of the Government General. Over dinner in the Fuehrer's apartment in Octob 1940, Frank had explained and I quote :

"The activities in the Government General could be termed very successful. The Jews in Warsaw and other cities were now locked up in ghettos, Krakow would very shortly be cleared of them. Reichsleiter von Schirach remarked that he still had more than 50,000 Jews in Vienna when Dr. Frank would have to take over from him."

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When the order actually came, therefore, the preparatory measures, so far as they affected Poland and Germany, had already been taken. Of the destruction of the ghettos and the slaughter of their populations General Stroop's report on the Warsaw action is eloquent evidence. But the fate of the Jews in Warsaw was only typical of the fate of the Jews in every other ghetto in Poland.

When they were not slaughtered in the ghettos themselves they were transported to the gas chambers. Hoess, Commandant of Auschwitz, described the procedure :

"I visited Treblinka to find out how they carried out their exterminations. The Camp Commandant at Treblinka told me that he had liquidated 80,000 in the course of one half-year. He was principally concerned with the liquidation of the Jews from the Warsaw ghetto."

Hoess describes the improvements that he made at Auschwitz. He introduced the new gas, Cyclone B which

"took from 3-15 minutes to kill the people in the death chamber, dependent upon climatic conditions. We knew when the people were dead because their screaning stopped ..... Another improvement we made over Treblinka was that we built our gas chambers to accommodate 2,000 people at a time, whereas at Treblinka their 10 gas chambers only accommodated 200 people each".

And he describes the selection of the victims from the daily transports that arrived :

"Those who were fit for work were sent into the camp. Other were sent immediately to the extermination plant. Children of tender years were invariably exterminated since, by reason of their youth, they were unable to work. Still another improvement we made over Treblinka was that at Treblinka the victims almost always knew they were to be exterminated and at Auschwitz we endeavoured to fool the victims into thinking that they were going thourgh a delousing process. Of course, frequently they realised our true intentions. Very frequently the women wouldhide their children under their clothes but of course when we found them we would send the children in to be exterminated. We were required to carry out these exterminations in great secrecy, but

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of course the foul and nauseating stench from the continuous burning of bodie permeated the entire area and all the people living in the surrounding communities knew that exterminations were going on at Auschwitz."

So also must they have known in the districts surrounding Belzek, Treblinka, Wolzek, Mauthausen, Sachsenhausen, Flossenburg, Neuengamme, Gusen, Natzweiler Lublin, Buchenwlad and Dachau.

I do not repeat these crimes in order to make the blood run cold. It is right that a few of these typical matters should be extracted from the great mass of the evidence which is accumulated here so that one may see this thing in its true perspective and appreciate the cumulative effect of what has been proved.

Whilst the German Armies surged into Russia and the Baltic States, the Einsatz Commandos followed in their wake. Their dreadful work had been planned and prepared in advance. In the file describing the operations of the Task Force A there is a map of the Baltic countries showing the number of Jews that were living in each State who were to be hounded out and killed. Another map shows the results achieved after these two or three month's work -a total of 135,567 Jews destroyed. In another report on their operations during October 1941 it is proudly stated that they continued "on the march with the advancing troops into the sectors which have been assigned to them".

These actions were not the work of the SS and Himmler. They were carried out in co-operation with the Army Commanders with the full knowledge of Keitel and Jodl and, indeed, because every soldier fighting in the East must have known about them, with the knowledge also of every member of the Government and of the commanders of its Armed Forces.

"Our task", so states the report of the Task Force A. "was hurriedly to establish personal contact with the commanders of the armies and with the commander of the rear army. It must be stressed from the beginning that co-operation with the armed forces was generally good. In some cases, for instance, with Panzer Group 4 under Col. Gen. Hoeppner, it was very close, almost cordial."

The German Generals were "almost cordial" as they weltered in the blood of hundreds of thousands of helpless, innocent men, women and children. Perhaps they enjoyed this work -in the same way as the members of the Einsatz Commandos themselves apparently enjoyed it.

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"It should be mentioned", states the report, "that the leaders of the armed SS and of the uniformed police, who are reserves, have declared their wish to stay on with the Security Police and the SD".

Again and again in the reports of the Einsatz Commandos, progress, co-operation with the army authorities is emphasized. After describing how thousands of Lithuanian Jews had been made harmless during a particular pogrom in June, it is stated :

"These self-cleansing actions went smoothly because the army authorities who had been informed showed understanding for this procedure".

Nor was it only cordiality and understanding that the army authorities showed. In some cases they themselves took the initiative. After describing the murder of inmates of lunatic asylums that had fallen into their hands, the Einsatz Commando report continues :

"Sometimes authorities of the Armed Forces asked us to clear out in a similar way other institutions which were wanted as billets. However, as the interests of the Security Police did not require any intervention, it was left to the authorities of the Armed Forces to take the necessary action with their own forces."

And again :

"The advance of the forces of Action Group A which were intended to be used for Leningrad was effected in agreement with and on the express wish of Panzer Group 4.

How can operations of this kind, extending for months and years over vast territories, carried out with the co-operation of the Armed Forces as they advanced and in the rear areas that they administered have remained unknown to the leaders in Germany ? Even their own Commissioners in the occupied territories protested. In October 1941 the Commissioner for White Ruthenia was forwarding to the Reich Commissioner for Eastern Territories at Riga a report on the operations in his district. Some idea of the horror of those operations can be seen frm the report.

"Regardless of the fact that the Jewish people, among whom were also tradesmen, were mistreated in a terribly barbarous way in the face of the

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White Ruthenian people, the White Ruthenians themselves were also worked over with rubber clubs and rifle butts..... the whole picture was generally more than ghastly .... I was not present at the shooting before the town. Therefore I cannot make a statement on its brutality. But it should suffice if I point out that persons shot have worked themselves out of their graves some time after they had been covered."

But protests such of this kind were of no avail; the slaughter condinued with unabated hastliness.

In February 1942, in Heydrich's activity and situation report on the Einsatz Commandos in the U.S.S.R. of which a copy was addressed to Kaltenbrunner personally, it was stated :

"We are aiming at cleansing the Eastern countries completely of Jews... Estonia has already been cleared of Jews. In Latvia the number of Jews in Riga, of wich there were 29,500 has now been reduced to 2,500."

By June 1943, the Commissioner for White Ruthenia was again protesting. After referring to 4,500 enemy dead, he says :

"The political effect of this large scale operation upon the peaceful population is simply dreadful in viewof the many shootings of women and children".

The Reich Commissar for Eastern Territories, forwarding that protest to Rosenberg, the Reich Minister for Occupied Eastern Territories in Berlin, added :

"The fact that Jews receive special treatment requires no further discussions. However, it appears ahrdly believable that this is done in the way described in the report of the General Commissar. What is Katyn against that ? Imagine only that these occurrences would become known to the other side and exploited by them. Most likely such propaganda would have no effect if only because people who read and heard about it simply would not be ready to believe it."

How true that comment is. Are we ready even now to believe it ?

Describing the difficulty of distinguishing between friend and foe, he says:

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"Nevertheless, it should be possible to avoid atrocities and to bury those who have been liquidated. To lock men, women and children into barns and set fire to them does not appear to be a suitable method of combatting bands, even if it is desired to exterminate the population. This method is not worthy of the German cause and hurts our reputation severely."

Of these Jews murdered in White Ruthenia, over 11,000 were slaughtere in the district of Libau, and 7,000 of them had been killed in the naval port itself.

How can any of these Defendants plead ignorance of these things ? Mr. Himmler was speaking of these actions openly amongst his SS Generals and all the officers of his SS Divisions in April 1943, he told them :

"Anti-semitism is exactly the same as delousing. Getting rid of lice is not a question of ideology : It is a matter of cleanliness. In just the same way, anti-semitism for us has not been a question of ideology but a matter of cleanliness which now will soon have been dealt with. We shall soon be deloused. We have only 20,000 lice left, and then the matter is finished off within the whole of Germany."

And again in October of that year:

"Most of you must know what it means when 100 corpses are lying side by side, or 500, or 1,000."

Meanwhile, the mass murder of the Jews at Auschwitz and the other extermination centres was becoming a State industry with many by-products. Bales of hair, some of it, as you will remember, still plaited as it had been shorn

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off the girls' heads, tons of clothing, toys, spectacles and other articles went back to the Reich to stuff the chairs and clothe the people of the Nazi State. The gold from their victims' teeth, 72 transports full, went to fill the coffers of Funk's Reichsbank. On occasion, even the bodies of their victims were used to make good the wartime shortage of soap.

The victims came from all over Europe. Jews from Austria, Czechoslovakia Hungary, Rumania, Holland, Soviet Russia, France, Belgium, Poland and Greece were being herded together to be deported to the extermination centers or to be slaughtered on the spot.

In April 1943, Hitler and Ribbentrop were pressing the Regent Horty to take action against the Jews in Hungary. Horthy asked:

> "What should he do with the Jews now that he had deprived them of almost all possibilities of livelihood; he could not kill them off. The Reich Foreign Minister declared that the Jews must be either exterminated or taken to concentration camps. There was no other possibility."

Hitler explained:

> "In Poland the state of affairs had been fundamentally cleared up. If the Jews there did not want to work they were shot. If they could not work they had to succomb. They had to be treated like tuberculosis baccillae. This was not cruel if one remembered that even innocent creatures of nature, such as hares and deer, have to be killed so that no harm is caused by them."

In September 1942, Ribbentrop's State Secretary, Luther, was writing:

> "The Reich Foreign Minister has instructed me today by telephone to hasten as much as possible the evacuation of the Jews from different countries..... After a short lecture on the evacuation now in progress in Slovenia, Croatia, Rumania and the Occupied Territories, the Reich Foreign Minister has ordered that we are to approach the Bulgarian, Hungarian and Danish Governments with the goal of getting evacuation started in those countries."

By the end of 1944, 400,000 Jews from Hungary alone had been executed in Auschwitz. In the German Embassy in Bucharest, the files contained a memorandum:

> "110,000 Jews are being evacuated from Bukovina and Bessarabia into two forests in the area of the river Bug..... The purpose of the action is the liquidation of these Jews."

Day by day, over years, women were holding their children in their arms an pointing to the sky while they waited to take their place in blood-soaked, communal graves. 12,000,000 men, women and children have died thus, murdered

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in cold blood; millions upon millions more today mourn their fathers and mothers, their husbands, their wives and their children. What rights has any man to mercy who has played a part -- however indirectly -- in such a crime?

Let Graebe speak again of Dubno:

"On 5th October 1942, when I visited the building office at Dubno my foreman told me that in the vicinity of the site, Jews from Dubno had been shot in three large pits, each about 30 metres long and 3 metres deep. About 1,500 persons had been killed daily. All of the 5,000 Jews who had still been living in Dubno before the pogrom were to be liquidated. As the shooting had taken place in his presence, he was still much upset.

Thereupon I drove to the site, accompanied by my foreman and saw near it great mounds of earth, about 30 metres long and 2 metres high. Several trucks stood in front of the mounds. Armed Ukrainian militia drove the people off the trucks under the supervision of an S.S. man. The militia men acted as guards on the trucks and drove them to and from the pit. All these people had the regulation yellow patches on the front and back of their clothes and thus could be recognized as Jews.

My foreman and I went directly to the pits. Nobody bothered us. Now I heard rifle shots in quick succession from behind one of the earth mounds. The people who had got off the trucks -- men, women and children of all ages -- had to undress upon the orders of an S.S. man, who carried a riding or dog whip. They had to put down their clothes in fixed places, sorted according to shoes, top clothing and underclothing. I saw a heap of shoes of about 800 to 1,000 pairs, great piles of under linen and clothing. Without screaming or weeping these people undressed, stood around in family groups, kissed each other, said farewells, and waited for a sign from another S.S. man, who stood near the put, also with a whip in his hand. During the 15 minutes that I stood near I heard no complaint or plea for mercy. I watched a family

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of about 8 persons, a man and a woman both about 50 with their children of about 1, 8 and 10, and two grown up daughters of about 20 - 24. An old woman with snow-white hair was holding the one year old child in her arms and singing to it and tickling it. The child was cooing with delight. The couple were looking on with tears in their eyes. The father was holding the hand of a boy about 10 years old and speaking to him softly; the boy was fighting his tears. The father pointed to the sky, strokes his head and seemed to explain something to him. At that moment the SS man at the pit shouted something to his comrade. The latter counted of about 20 persons and instructed them to go behind the earth mound. Among them was the family which I have mentioned. I well remember a girl, slim and with black hair who, as she passed close to me, pointed to herself and said, "23". I walked around the mound and found myself confronted by a tremendous grave. People were closely wedged together and lying on top of each other so that only their heads were visible. Nearly all had blood running over their shoulders from their heads. Some of the people shot were still moving. Some were lifting their arms and turning their heads to show that they were still alive. The pit was already two thirds full. I estimated that it already contained about 1,000 people. I looked for the man who did the shooting. He was an SS man, who sat at the edge of the narrow end of the pit, his feet dangling into the pit. He had a tommy gun on his knees and was smoking a cigarette. The people, completely naked, went down some steps which were cut in the clay wall of the pit and clambered over the heads of the people lying there, to the place to which the SS man directed them. They laid down in front of the dead or injured people; some caressed those who were still alive and spoke to them in a low voice. Then I heard a series of shots. I looked into the pit and saw that the bodies were twitching or the heads lying motionless on top of the bodies which lay before them. Blood was

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running away from their necks. I was surprised that I was not ordered away but I saw that there were two or three postmen in uniform nearby. The next batch was approaching already. They went down into the pit, lined themselves up against the previous victims and were shot. When I walked back round the mound I noticed another truck load of people which had just arrived. This time it included sick and infirm persons. An old, very thin woman with terribly thin legs was undressed by others who were already naked, while two people held her up. The woman appeared to be paralysed. The naked people carried the woman around the mound. I left with my foreman and drove in my car back to Dubno.

On the morning of the next day, when I again visited the site, I saw about 30 naked people lying near the pit -- about 30-50 metres away from it. Some of them were still alive; they looked straight in front of them with a fixed stare and seemed to notice neither the chilliness of the morning nor the workers of my firm who stood a round. A girl of about 20 spoke to me and asked me to give her clothes and help her escape. At that moment we heard a fast car approach and I noticed that it was an SS detail. I moved away to my site. Ten minutes later we heard shots from the vicinity of the put. The Jews still alive had been ordered to throw the corpses into the pit; then they had themselves to lie down in this to be shot in the neck."

That no man in that dock can have remained ignorant of the horrors perpetrated to support the Nazi war machine and the policy of genocide becomes the more clear when you consider the evidence with regard to another great crime little heard of during the course of this trial but which, as clearly as any other, illustrates

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the wickedness of these men and of their regime - the murder of some 275,000 persons by so-calld mercy killing. Th what base uses that beautiful word was put!

Some time in the summer of 1940 Hitler secretly ordered the murder of ill and aged people in Germany who were no longer of productive value for the German war machine. Frick, more than any other man in Germany, was responsible for what took place as a result of that decree. Of his knowledge and of the knowledge of a great many people in Germany there is abundant evidence. In July, 1940, Biship Wurm was writing to Frick:

> "For somemonths past, insane, feeble-minded and epileptic patients of State and private medical establishments have been transferred to another institution on theorders of the Reich Defense Council. Their relatives, even when the patient was kept at their cost, are not informed of the transfer until after it has taken place. Mostly they are informed a few weeks after that the patient concerned has died of an illness and thatowing to the danger of infection the body has had to be cremated. At a superficial estimate several hundred patients of an institution in Wurttemberg alone must have met their death in this way ... Owing to numerous enquiries from town and country and from the most variegated circles, I consider it my duty to point out th the Reich Government that this fact is causing a particular stir in our small province. Thansports of sick people who are unloaded at the small railway station of Marbach, the buses with opaque windows which bring sick persons from more distant railway stations or directly from the institutions, the smoke which rises from the crematorium and which can be noticed even from a considerable distance.... all this gives rise to speculation as no-one is allowed into the Castle.....Everybody is convinced that the causes of death which are published officially are selected at random. When, to crown everything, regret is expressed in the obituary notice that all endeavours to preserve the patients' life were in vain, this is felt as a mockery. But it is above all the

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air of mystery which gives rise to the thought that something ishappening which is contrary to justice and ethics and cannot therefore be defended by theGovernment. This point is continually stressed by simple people as well as in the numerous oral and written statements which come to us."

Frick's ears were deaf to pleas for jutice and ethics such as that. A year later, in August 1941, the Bishop of Limbourg wrote to the Reich Ministries of the Interior, of Justice, and Church Affairs:

"About 8 km. from Limbourg in the little town of Hadamar, on a hill overlooking the town thereis an institution which had formerly served various purposes and of late has been used as an nursing home. This institution was renovated and furnished as a place in which, by consensus of opinion, the above mentioned euthenasia had been systematically practiced for months, approximately since February 1941. The fact has become known beyond the administrative district of Wiesbaden...Several times a week buses arrive in Hadamar with a considerable number of such victims. School children of the vicinity know this vehicle and say: 'There comes the murder box again.' After the arrival of the vehicle citizens of Hadamar watch the smoke rise out of the chimney and are tortured with the thoughts of the misery of the victims, especially when repulsive odours annoy them. The effect of the principles at work here are that children call each other names and say: 'You're crazy, you will be sent to the baking ovens in Hadamar.' Those who do not want to marry or find no opportunity say: 'Marry, never! Bring children into the world so that they can be put into the bottling machine!' You hear old folks say: 'Don't send me to a State Hospital: after the feeble minded have been finished off the next useless eaters whose turn it willbe are the old people'..... Officials of the Secret State Police, it is said are trying to suppress discussion of the Hadamar occurrencds by means of severe threats. Inthe interests of public peace this may

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be well intended, but the knowledge and the conviction and the indignation of the population cannot be changed by it. The conviction will be increased with the realisation that discussion is prohibited with threats but that the actions themselves are not prosecuted under penal law. Facta loquantur."

If the common people of Germany knew and were complaining of these relatively insignificant murders, when the Ministries of Justice, of the Interior and of Church Affairs were receiving protests from the Bishops of two districts far removed from each other, on what was common knowledge in their dioceses, how much greater were the security problems of the Einsatz Commandos in the East. In May 1942 an SS leader reporting to Berlin on a tour of inspection of the progress of the extermination drive wrote of the gas vans:

"By having small windows introduced, one on each side of the smaller van and two on each side of thebigger van, such as one sees often on peasant's houses in the country, I have had the vehicles in group D disguised to look like vans for living in. The cars are so well known that not only the authorities but also the civilian population allude it is as the "Death Car" as soon as one of these vehicles appear. In my opinion even with camouflage it cannot be kept secret for any length of time."

Can these defendants have remained in ignorance? What peculiar dispensation of providence was there thatprotected them from knowledge of these matters, matters which were their concern?

This slaughter of the aged and imbeciles - the subject of gossip throughout Germany and of articles in the world press - must have been known to every one of these men. How much more then must they have known of the concentration camps which, during those years, covered like a rash the whole of Germany and the occupied territories. If only they could acquiesce in the mercy killings, with what favour they must have regarded the extermination of the Jews.

In 1939 there had been six main concentration camps - Dachau, Sachsenhausen, Buchenwald, Mauthausen, Flossenburg and Ravensbruck. Frick's

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budget for the Ministry of the Interior for that year includes a sum of RMS. 21,155,000 for armed SS and concentration camps - no less than a fifth of the total budget. By April 1942 there had been added to those six camps nine more, and more were to follow afterwards.

But these were only the core of the system. Like planets, each of them had its attendant satellites. Ziereis has given you some idea of the extent of this system. He describes the subsidiary camps that were based on Mauthausen alone. 33 of them he mentioned by name, giving the numbers of prisoners at each - a total of over 102,000. Besides those 33, there were another 45, also all under the authority of the Mauthausen Commandant.

You have seen themap of Europe showing the location of as many of these mainsubsidiary concentration camps as are known. Over 300 of them are marked on that map.

By August, 1944, there was a total of 1,136,000

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prisoners, which included 90,000 from Hungary, 60,000 from the police prison and ghetto of Litzmannstadt, 15,000 Poles from the Government General, 10,000 convicts from eastern territories, 17,000 former Polish officers, 400,000 Poles from Warsaw and between 15,000 - 20,000 continually arriving from France.

These were only the physically fit and therefore permanent residents -permanent, at least until through physical exhaustion their productive capacity was no longer worth the nuisance that their continued existence mean When they took their place in the daily detail for the gas chambers.

Day fater day the chimneys of the crematoria belched their nauseating stench over the countryside. When the Bishop of Limbourg could write to Frick of the repulsive odours from the comparatively insignificant evens at Hadamar, can we doubt the evidence of Hoess that I mentioned ?

"the foul and nauseating stench from the continuous burning of bodies permeated the entire area and all the people living in the surrounding communities knew that exterminations were going on at Auschwitz."

Day after day trainloads of victims travelled over the railroads of the whole Reich on their way to the extermination centers or their own slavery. Many arrived dying and even dead through the appalling conditions under which they journeyed. An official at the railway station at Essen has described the arrival of workers from Poland Galicia and the Ukraine :

"They cae in goods wagons in which potatoes, building materials and also cattle had been transported. The trucks were jammed full with people. My personal viewwas that it was inhuman to transport people in such a manner. The people were squashed closely together and they had no room for free movement. It was enraging to every decent German to see how the people were beaten and kicked and generally maltreated in a brutal manner. In the very beginning, as the first transports arrived, we could see how inhumanly these people were treated. Every wagon was so overfull that it was incredible that such a number could be jammed into one wagon ... The clothing of prisoners of war and civilian workers was catastrophic. It was ragged and ripped and the footwear was the same. In some cases they had to go to work with rags round their feet.

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"even in the worst weather and bitterest cold I have never seen that any of the wagons were heated.

Those men were not destined for concentration camps that was certain. How much worse the conditions of these who were. Great columns. too, trekked on foot along the highways of the Reich. They walked until they could walk no more; then they died by the side of the road Ziereis, Commandant of Mauthausen, in his dying confession said :

"In the presence of Baldur von Schirach and others.I received the following order from Himmler :

"All Jews of localities in the south east, working on the so-called fortification-commands, are to be sent on foot to Mauthausen."

"In consequence of this order we were expecting to receive 60,000 Jews at Mauthausen, but in fact only a small fraction of this number arrived. I remember that out of one convoy of 4,500 Jews which started out from somewhere in the country, only 180 arrived. The women and children had been without shoes and clothes and were very verminous. In that convoy complete families had started out together but an immense number had died on the way from exposure, weakness, etc."

Now whatever may have been hidden from view behind the stockades of the concnetration camps, these things were open for all to see. Every one of these defendants must have seen them and the thousands of concentration camp prisoners working in the fields and factories adorned in their striped pyjamas- a uniform that was as familiar as any other in Germany.

How possibly could any one of these defendants, had he even a spark of human pity, have continued to take active part in support of a system that was responsible for such suffering ? But they had no pity - and by their ideology and teaching they had deprived the German people of pity.

Ziereis describes the frightful end that Kaltenbrunner contemplated for the concentration camps and their inmates when the advancing Allied Armies brought with them the danger of capturing these camps and of disclosing the guilt of the Nazi Government :

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"Prisoners were to be led into thetunnels of the factory Berdkristall and the only entrance was to be blown up by the use of explosive and the death of the prisoners was to be effected in this manner."

Even Ziereis, murderer of Mauthausen's 65,000 dead, shied and refused that order.

That evidence is corroborated beyond question by the written order issued by the Commandant of theSipo and SD in the Government General, which has been put in as evidence:

"Should the situation at the front necessitate it, early preparations are to be made for the total clearance of prisoners. Should the situation develop suddenly, in such a way that it is impossible to evacuate the prisoners the present inmates are to be liquidated and their bodies disposed of as far aspossible, (burning, blowing up the building, etc.). If necessary, Jews still employed in the armament industry or on other work are to be dealt with in the same way. The liberation of prisoners of Jews by the enemy, be it the Western enemies or the Red Army, must be avoided under all circumstances. Nor may they fall into their hands alive."

And Kaltenbrunner himself saw to it that these orders should be carried out. With this evidence before us, there can be only one meaning to that teleprint message which was found amongst hispapers on his arrest:

"Please inform the Reichsfuehrer SS and report to the Fuehrer that all arrangements against Jews, political and concentration camp internees in the Protectorate have been taken care of by me personally today."

The proposition which you are asked to accept is that a man who was either a Minister or a leading executive in a State which, within the space of six years, transported in horrible conditions some 7,000,000 men, women and children for labur, exterminated 275,000 of its own aged and mentally infirm and annihilated in the gas chambers or by shooting what must at the

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lowest computation be 12,000,000 people, remained ignorant of or irresponsible for these crimes. You are asked to accept that the horrors of the transports, of the conditions of this slave labour, deployed as it was in labour camps throughout the country, the smell of the burning bodies, all of which were known to the world, were not known to these 21 men by whose orders such things were done. When they spoke or wrote in support of this horrible policy or genocide you are asked to accept that their utterances were made in ignorance of the facts, as part of their general duty to support the policy of their Government, or finally, should be regarded merely as tactical - thatis to say, that only by talking or writing in such a way could they divert Hitler from cruelty or aggression. It is for you to decide.

Goering, Hess, Ribbentrop, Keitel, Kaltenbrunner, Rosenberg, Frank, Frick, Streicher, Funk, Schacht, Doenitz, Raeder, Schirach, Sauckel, Jodl, VonPapen, Seyss-Inquart, Speer, Von Neurath, Fritzsche, Bormann - these are the guilty men.

Let me make brief comments upon each one of them, but in particular upon those whose close complicity in themost sordid crimes of all, the bestial murders, has possibly been less manifest.

Goering's responsibility in all these matters is scarcely to be denied. Behind his spurious air of bon homme, he was as great an architect as any in this satanic system. Who, apart from Hitler, had more knowledge of what went on, or greater influence to affect its course? The conduct of government in the Nazi State, the gradual build-up of the organization for war, the calculated aggression, the atrocities - these things do not occur spontaneously or without the closest cooperation between the holders of the various offices of State. Men do not advance into foreign territory, pull the trigger, drop their bombs, build the gas chambers, collect the victims, unless they are organized and ordered to do it. Crimes on thenational and systematic scale which occurred here must involve anyone who forms a part of the necessary chain, since without that participation, plans for aggresssion here, mass murder there, would become quite impossible. The Fuehrer principle by which the Nazis placed their bodies and their very souls at the disposal of their leader was the creation of the Nazi Party, and of these men. When I addressed you at the opening of this trial, I remarked that there comes a time when a man must choose between his conscience and his leader. No one who chose, as these men did, to abdicate their consciences in favour of this monster of their own creation can complain now if they are held responsible for complicity in what their monster did.

And least of all, Hess. The role Hess played in the Nazi Party is well established. But not content with creating the Monster, he aided it in every aspect of its monstrous work.

I mention only one instance. You will recall, in connection with the extermination of the Eastern peoples, his direction to Party Officials to support recruitment for the Waffen SS. He said,

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> "it consists of National Socialists who are more suitable than other armed units for the specific tasks to be solved in the occupied eastern territories, owing to their intensive National Socialist training in regard to questions of rade andnationality."

Ribbentrop's part, also, is clear. No one in history has so debauched diplomacy: no one been guilty of meaner treachery. But he, like the rest of them, is just a common murderer. Ribbentrop it was who, since 1940, had been directing the minions in his embassy and legations throughout Europe to accelerate the execution of such "political measures" that is, measures of racial extermination. It was not Himmler, but the Reich Foreign Minister who proudly reported to the Duce in February, 1943, that,

> "All Jews had been transported from Germany and from the territories occupied by her to reserves in the East."

His bald recommendations to Horthy two months later and the record of the conference called by Steengracht, his permanent Under Secretary of State, betray the meaning of these ghastly euphonisms.

No one was more insistent on merciless action in the occupied territories than Ribbentrop. You will remember his advice to the Italians on how to deal with strikes:

> "In such a case only merciless action is any good. In the occupied territories we would not get anywhere with soft measures in the endeavour to reach an agreement."

Advice which he proceeded to reinforce by referring with pride to the successes of "brutal measures" in Norway, "brutal action" in Greece, and in France and Poland the success of "Draconian" measures.

Were Keitel and Jodl less involved in murder than their confederates? They cannot deny knowledge or responsibility for the operations of the Einsatz Commandos with whom their own Commanders were working in close and cordial cooperation. The attitude of the High Command tothe whole question is typified by Jodl's remark about the evacuation of Danish Jews:

> "I know nothing of this. If a political measure is to be carried out by the Commander, Denmark, the OKW must be notified by the Foreign Office."

You cannot disguise murder by callingit a political measure.

Kaltenbrunner, as chief of the RSHA, must be guilty. The Reports of the Einsatz Commandos were sent to him monthly. You will remember the words

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of Gisevius, a witness for the defence:

> "We asked ourselves whether it waspossible that an even worse man could possibly be found after such a monster as Heydrich .... Kaltenbrunner came.... and things got worseevery day.... We had the experience that perhaps the impulsive actions of a murderer like Heydrich were not as bad as the cold legal logic of a lawyer who was handling such a dangerous instrument as the Gestapo."

You will remember his description of those horrible luncheon parties at which Kaltenbrunner discussed every detail of the gas chambers and of the technique of mass murder.

Rosenberg's guilt as the philosopher and theorist who made the ground fertile for the seeds of Nazi policy is not in doubt, and it is beyond belief that he , as Reich Minister for Eastern Occupied Territories, did not know of and support the destruction of the ghettos and the operations of the Einsatz Commandos. In October, 1941, when the operations of those Commandos were at their height, one of Rosenberg's ministerial departmental chiefs was writing to the Reich Commissioner for the East in Riga informing him that the Reich Security Main Office had complained that he had forbidden the executions of the Jews inLibau and asking for a report upon the matter. On 15th November, the report comes back addressed to the Reich Minister for Occupied Eastern Territories:

> "I have forbidden the wild execution of Jews in Liepaja because they were not justifiable in the manner in which they were carried out. I should like to be informed whether your enquiry of 31st October is to be regarded as a directive to liquidate all Jews in the East? Shall this take place without regard to age and sex and economic interests? ..... Of course, the cleansing of the East of Jews is a necessary task; its solution, however, must be harmonized with the necessities of war production."

Frank - if it is not sufficient to convict him that he was responsible for the administration of the Government General and for one of the bloodiest and most brutal chapters in Nazi history - has himself stated:

> "One cannot kill all lice and all Jews in one Year."

It is no coincidence that that was exactly Hitler's language.

And again:

> "As far as the Jews are concerned, I want to tell you quite frankly that they must be done away with in one way or another .... Gentlemen, I must ask

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> you to rid yourselves of all feeling of pity. We must annihilate the Jews wherever wefind them and whenever it is possible in order to maintain the structure of the Reich as a whole... We cannot shoot or poison 3,500,000 Jews, but we shallnevertheless be able to take measures which will lead to their annihilation."

Can Frick, as Minister of the Interior, have been unaware of the policy to exterminate the Jews? In 1941 one of his subordinates, Heydrich, was writing to another - the Minister of Justice: -

> "It may safely be asumed that in the future there will be no more Jews in the annexed Eastern territories."

Can he, as Reich Protector for Bohemia and Moravia ddny responsibility for the deportations of thousands of Jews from his territory tothegas chambers of Auschwitz, only a few miles across the frontier?

Of Streicher one need say nothing. Here is a man more responsible, perhaps, than any, for the most frightful crime the world has ever known. For 25 years the extermination of the Jews had been his terrible ambition. For 25 years he had educated the German people in the philosophy of hate, of brutality, of murder. He hadincited andprepared them to support the Nazi policy, to accept and participate in the brutal persecution and slaught of millions ofhis fellow men. Without him these things could not have been. It is long since he forfeited all right to live.

The fact that the defendants Schacht and Funk dealt chiefly with economics ought not blind the Tribunal to their important part in the general plan. Schacht says that he had clean hands in this matter. It is for you to say. Schacht played his part in bringing Hitler to power. He says he thought that Hitler was "a manwith whom one could co-operate", and assured Hitler that he could always count on him "as your reliable assistant' He helped to consolidate the Nazi position and he was the main figure in collecting election funds from the industrialists.

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It then became his task to provide the economic plan and machinery necessary to launch and maintain aggression. He knew the policy about the Jews, he knew the methods Hitler was using to build up his power, he knew the ultimate aim was aggression. But he continued to play his part. Messersmith has summed up his work:

> "Yet by Schacht's resourcefulness, his complete financial ruthlessness and his absolute cynicism Schacht was able to maintain and to establish the situation for the Nazis. Unquestionably, without this complete lending of his capacities to the Nazi Government, and all of its ambitions it would have been impossible for Hitler and the Nazis to develop an armed force sufficient to permit Germany to launch an aggressive war."

The fact that that was in Schacht's mind was shown at a very early date most clearly in a secret report issued by his Ministry of Economics on 30th September 1934. I have already referred to his Deputy's report showing the amazing detail in which plans and preparations for the management of German economy in time of war had been worked out before Schacht resigned in 1937.

It is not surprising that on Schacht's 60th birthday the then German Minister of War, von Blomberg, said to him:

> "Without your help, my dear Schacht, none of this armament could have taken place."

In the witness box Schacht says that as early as the second half of 1934 and the first half of 1935 he found he was "wrong in thinking" that Hitler would bring the "revolutionary forces" of Nazism into the regular atmosphere and he discovered that Hitler did nothing to stop the excesses of individual Party Members or Party Groups. He was pursuing a "policy of terror".

That accords very closely with Schacht's statement to the American Ambassador in September 1934:

> ".....the Hitler Party is absolutely committed to war and the people too are ready and willing. Only a few Government officials are aware of the danger and are opposed."

Schacht's further suggestions that his purpose in the Government was to be critical and was to act as a brake are as we submit, impossible to reconcile with his own actions. He need not have become Minister of Economics according to his own account, but he did so nonetheless. In May 1935, the month in which he undertook his task as General Plenipotentiary for War Economy, "to put all economic forces in the service of carrying on the war and to

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secure the life of the German people economically", he wrote to Hitler:

> "All expenditures which are not urgently needed in other matters must stop and the entire, in itself small, financial power of Germany must be concentrated toward the one goal - to arm."

In May 1936 he told a secret meeting of Nazi Ministers that his programme of financing armaments had meant "the commitment of the last reserve from the beginning". He said he would continue to work since he stood "with unswerving loyalty to the Fuehrer because he fully recognises the basic idea of National Socialism".

In 1937, when Hitler bestowed the Golden Party badge upon him, Schacht appealed to all his colleagues:

> "further to devote with all their hearts their entire strength to the Fuehrer and the Reich. The German future lies in the hands of our Fuehrer."

The mercy killings; the persecution of the Jews. These things must have been known at that time. Were his hands so clean?

In the light of these quotations it is not unexpected to find Ambassador Dodd, whom Schacht counted among his friends, recalling in his diary on 21.12.

> "Much as he dislikes Hitler's dictatorship he (Schacht) as most other eminent Germans wishes annexation, without war if possible, with war if the United States will keep hands off."

These quotations, in our submission, make it clear that Schacht knew well that Hitler's aim was war very much earlier than he himself admits. He does admit, however, that he knew that the plot to discredit General von Fritsch meant war. Despite that knowledge, on 9.3.38, he accepted the appointment as Reichsbank President for an additional four years. He joyously took part in the acquisition of the former Austrian National Bank on 21.3.38 and on 7.6.39 wrote to Hitler:

> "From the beginning the Reichsbank has been aware of the fact that a successful foreign policy could be attained only by the reconstruction of the German Armed Forces. It therefore assumed to a very great extent the responsibility to finance the rearmament in spite of the inherent dangers to the currency. The justification thereof was the necessity - which pushed all other considerations into the background - to carry through the armament at once, out of nothing and furthermore under camouflage which made a respect - commanding foreign policy possible."

These words, and others like them, are merely putting in fine phrases Schacht's knowledge that, if the proposed victims resisted, Hitler was prepared

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and would be able to plunge into war conditions to achieve his aims. Schacht intellect and international position only increased the cynical immorality of his crimes.

Moreover Schacht must fact these facts. The Tribunal has seen the evidence of the film which showed his sycophantic trotting beside Hitler and smarming over him in 1940. Long before 1943 he must have known of the treatment of the Jews and the reign of terror in occupied countries. Yet until 1943 Schacht remained a Minister without Portfolio and at all events lent his name and weight to this regime of horror. Should anyone be left to boast that he did this with impunity?

Funk carried on Schacht's work. He had already rendered invaluable service to the conspirators by his organization of the Ministry of Propaganda. From 1938 on he was Minister of Economics, President of the Reichsbank and Chief Plenipotentiary for Economics, mobilising economy for aggressive war well knowing the Nazi plans for aggression. We find him in every field; attending Goering's conference on 12 November 1938, the meeting of the Reich Defense Council in June 1939, advising on decrees to be issued against the Jews at the former and the employment of concentration camp and slave labor at the latter. The final proof of the welcome with which he viewed aggression is found in his letter to Hitler on the 25th August 1939, the day before the invasion of Poland had been said to begin; he said:

> "How happy and how grateful we must be to you to be favored to experience these colossal and world-moving times, and that we can contribute to the tremendous events of those days. General Field Marshal Goering informed me last night that you - my Fuehrer - have approved in principle the measures prepared by me for financing the war, for setting up the wage and price system and for carrying out the plan for an emergency contribution.
>
> With the proposals worked out by me regarding a ruthless chocking of any unessential consumption and any public expenditure and project not necessary for war, we will be able to meet all financial and economic demands without any serious reverberations."

His part during the war needs no further mention than reference to the minutes of the Central Planning Board and to his arrangement with Himmler for the exploitation of the S.S. loot which, as he knew, came in truckloads from Auschwitz and the other concentration camps to the vaults of the Reichsbank.

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The Tribunal will also remember the document which shows that his Ministry of Economics received enormous quantities of civilian clothing from these unhappy victims.

Was Doenitz ignorant, when he addressed to a Navy of some 600,000 men, a speech on the "spreading poison of Jewry"? Doenitz, who thought fit to circulate to the Naval War Staff Hitler's directive for dealing with the general strike at Copenhagen -- "terror should be met by terror" - and asked for 12,000 concentration camp workers for the shipyards, recommending collective reprisals for Scandinavian workers in view of the efficacy of similar methods in France.

Are Raeder's hands unstained with the blood of murder? As early as 1933, to use his own words:

> "Hitler had made a clear political request to build up by the 1st April 1938 armed forces which he could put in the balance as an instrument of political power."

When, therefore, he received successive orders to fight if war resulted from Hitler's foreign policy, he knew very well that war was a certain risk if that policy went awry. Again and again he had this warning, first when Germany left the Disarmament Conference, again at the time of the negotiations for the Naval Agreement in 1935, at the time of the Rhineland and later when he attended the famous Hosbach conference. He has tried to persuade this Tribunal that he regarded Hitler's speeches at these meetings as mere talk, yet we know that they gave Neurath a heart attack. His old Service comrades, von Blomberg and von Fritsch, who were unwise enough to object at the Conference which sealed the fate of Austria and Czechoslovakia, were dealt with in a manner which, in his own words, shook his confidence not only in Goering but in Hitler as well.

Can Raeder have been ignorant of the murder of thousands of Jews at Libau in the Baltic? You will remember the evidence that many were killed in the naval port and the facts reported by his naval officers at the Local Headquarters to Kiel. We now know from the report of the Commando which dealt with the Jews of Libau that at the end of January 19[illegible] they had accounted for 11,860 in that district alone. Raeder who, on Heroes Day, 1939, spoke of the clear and inspiring summons to fight international Jewry. Do you really believe, when he was always helping individual Jews, he had never heard of the horrors of concentration camps or the murder of millions? Yet he still went on.

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Von Schirach. What need one say of him? That it were better that a millstone had been placed round his neck.....? It was this wretched man who perverted millions of innocent German children so that they might grow up and become what they did become -- the blind instruments of that policy of murder and domination which these men carried out.

The infamous "Heu Aktion" by which between forty and fifty thousand Soviet children were kidnapped into slavery was a product of his work. You will remember the weekly S.S. reports on the extermination of the Jews found in his office.

What is the crime of Sauckel whose Gau contained the infamous camp of Buchenwald? Sauckel may now seek to put a gloss on his order to shanghai Frenchmen, to deny that he advocated the hanging of a Prefect or a mayor to crush opposition, to say that references to ruthless action referred to interdepartmental disputes and that reformatory labor camps were purely educational institutions. You who have seen the documents which attest the horrors perpetrated in what we are now told was the produce of an emergency -- the urgent need for workers to feed the Nazi machine, you who have heard and read of the conditions in which 7 million men, women and children torn from their homes were dragged into slavery at his orders can need no further proof of guilt.

Papen and, if mercy can survive his record in Czechoslovakia, Neurath, are in likecase with Raeder. Like him they professed old family and professional integrity, factors which carry with them a great responsibility from which men like Ribbentrop and Kaltenbrunner are free.

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Within 18 months of putting Hitler in power Papen knew that Hitler's Government meant oppression of op nents, ill-treatment of the Jews and persecution of the Churches including his own. His recent political friends had been sent to concentration camps or killed, including men like von Schleicher and von Bredow. He had himself been arrested, two members of his staff killed and another compelled to witness killing. None of these things were hidden from von Neurath, yet he remained in office.

In 1934 Papen was writ ng sycophantic letters to Hitler and shortly afterwards we find him in Austria working for a man he knows to be a murderer undermining a re ime for which he professed outward friendship. Even after the Anschluss he was still workin for a regime which he know used murder as an insturment of policy and after losing yet another secretary by murder he was ready to accept a post in Turkey. The Concordat with his own Church which he had himself negotiated is treated as "a scrap of paper" to use his own words, and Catholics from Archbishops to simple believers were outraged. He has said

"Hitler was the greatest crook that ever lived".

The case for the Prosecution in a sentence is that, knowing this only too well, von Papen gave Hitler his su port and co-operation because his greed for power and office made it "better to rei n in Hell than to serve in Heave

Defence Counsel have sought to portray Papen as an advocate of Peace. If he preferred to attain the objects of the conspiracy by the methods of assasination, bullying and black ail rather than open war, the reason may be that provided by him in his own evidence, namely that he feared that : "If a World war were to break out, Germany's situation would be hopeless".

As to Seyss-Inquart, you will remember Goering's instructions to him on the 26th March, 1938, to institute anti-semitic measures in Austria, foll wed by the Progress Report on 12th November by one of his officials. As far as concerns the Jews in the Netherlands, he admits that he knewthey were being deported but says he was powerless to stop it as it was ordered from Berlin. He has further said that he knew they went to Auschwitz but he says he was sent there to enquire about them, was told they were well off and

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arranged for them to send mail from Auschwitz to Holland. It is likely that Seyss-Inquart who admits knowledge of large-scale crimes against the Jews in the Netherlands, for example

"a drive to force the Jews to be sterilised", who admits that many and grave excesses occurred in the Netherlands concentration camps and indeed that in wartime he

"considered that almost inevitable",

who pleads that in comparison with camps elsewhere

"it was perhaps not quite so bad in the Netherlands",

-is it possible that he was really deceived as he says into thinking the people in Auschwitz were

"comparatively well off" ?

One comes next to the defendants Speer and Fritsche who have appeared in this trial as experts. Speer has admitted that his responsibility for conscription of labour helped to bring up the total number of workers under him to 14,000,000. He stated that when he took over office in February 1942 all the perpetrations or violations of International Law of which he could be accused had already been realised. Nevertheless he went on to say

"the workers were brought into Germany against their will. I had no objection to their being brought to Germany against their will. On the contrary during the first period until autumn of 1942 I certainly used my energy that as many workers as possible should be brought to Germany in this manner. Further , workers were placed at his disposal by Sauckel and he was responsible for their allocation priorities.

He acknowledged the receipt of 1,000,000 Soviet labourers in August 1942. On 4-1-44 he demanded 1,300,000 workers for the coming year. Speer produced no defence of this conscription of labour but he did assert that from 1943 he had supported the retention of French workers in France, which is a mere matter of mitigation. The moderation of Speer's manner ought not hide the fact that this policy, which he cheerfully adopted and applied was one that meant the most appalling misery and suffering for millions of Soviet and other familes.

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It displays once again the complete disregard of the fate of other people which runs like a sordid thread through the evidence in this trial, and no moral awakening regarding the interest of the German people (I repeat "the German People") at the end of the war, can offset the participation in this horrible action.

With regard to the treatment of foreign workers Speer's general point was that the evidence for the Prosecution is simply that of individual bad instances and should not be taken as the general condition. If it were the general condition he would accept responsibility. The Prosecution submit that their evidence, viewed as a whole, is conclusive evidence of general bad conditions.

Neurath who has told the Tribunal that he joined Hitler's Government to keep it peace-loving and respectable, know within a few weeks that the Jews were being persecuted, that reputable foreign papers and reputable German papers too for that matter were quoting official figures of ten to twenty thousand internees. He knew that the opposition, the Communists, the Trade-Unionists and Social Democrats were being destroyed as political forces, The Blood Purge followed yet he went on and seconded Hitler in his breaches of the Treaty of Versailles. We have the evidence of Paul Schmidt that the murder of Dollfuss and the attempted Putsch in Austria seriously disturbed the career personnel of the Foreign Office whilst they regarded the Mutual Assistance Pact between France and the Soviet Union as a further very serious warning as to the potential consequences of German foreign policy.

"At this time the career officials at least expressed their reservations to the Foreign Minister Neurath. I do not know whether or not Neurath in turn related these expressions of concern to Hitler."

Yet when Raeder was issuing orders about the danger of showing "enthusiasm for war", von Neurath would have you believe that he had failed to realise its growth. He, as much as Raeder, saw and took part in the events which followed, the secret meetings, the treatment of von Blomberg and von Fritsch. he it was at the time of the Anschluss who, though no longer Foreign Minister gave the support of a name, not yet notably tarnished, to Hitler's action by

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transmitting untruths in denial of the British Note and by reassuring the Czechs. That reassurance ought never be forgotten -there can be few things more grimly cynical than von Neurath who had listened to the Hosbach speech solemnly telling M. Mastny that Hitler would stand by the Arbitration Treaty with Czechoslovakia. As soon as Hitler had marched into Prague, he it was who became protector of Bohemia and Moravia. You have heard his admission that he applied all decrees for the treatment of the Jews which had appeared in Germany between 1933 and 1939.

Fritzsche's work was to organise the entire German Press so that it became " a permanent instrument of the Propaganda Ministry". Propaganda was most potent factor in all Nazi strategy. Here in turn that factor made all the press its most potent weapon. The fact that he knew and participat in the use of his organisation is shown by his attempt to whitewash the successive propaganda actions which led up to each of the various aggressi mentioned in his affidavit. As he said :

"All news checked by me was full of tendency while not invented". It is incredible that when he was called upon time after time to conduct what was specifically referred to as actions and when each time he saw the practical results he did not realise the dishonesty with which the German policy was being conducted or that the

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aim of the Nazi Government was aggressive war. His personal ability as a broadcaster caused him to become virtually an official commentator. To quote his own words:

"May I add that it is know to me that in the far corners of German colonies abroad my radio speeches were, shall we say, the political comments."

He has emphasized that in these comments he had a free hand. Is it to be doubted that this was because he was prepared to croadcast whatever lie Goebbels wanted? He himself says, in dealing with the uses to which his influence was put:

"Again and again I was requested to awaken hatred against individuals and against systems."

You have seen a sample in his broadcast on the Athenia. As early as 1940 he broke far enough away from the restraint which he tried to picture in the witness box to call the Poles "under people" and "beasts in human form."

On the 18th December 1941 he referred to the fate of European Jews in the following words:

"The fate of Jewry in Europe was turned out to be as unpleasant as the Fuehrer predicted it would be in the event of a European war. After the extension of the war instigated by the Jews, this unpleasant fate may also spread to the New World, for you can hardly assume that the nations of the New World will pardon the Jews for the misery of which the nations of the Old World did not absolve them."

There were few more dreadful or hate-provoking accusations among the whole miasma of Nazi lies against the Jews, than that of instigating the war which brought such misery to humanity, yet this educated and thoughtful defendant deliberately made it.

It is difficult to imagine any more fulsome or callous adulation of Hitler's aggression than his speech on 9th October 1941 which contained the words:

"... and we are particularly grateful for these lightning victories because - as the Fuehrer emphasized last Friday - they gave us the

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possibility of embarking on the organization of Europe and of lifting the treasures of this old continent even in the middle of a war, without having to keep millions and millions of German soldiers on guard .... "

Perhaps the key to the concealment of war crimes by Fritzsche is the basic principle of his propaganda.

"But decisive for us for such a news machine is not the detail but the final fundamental basis on which propaganda is built. Decisive is the belief in the purity of the leaders of the State on which every journalist must rely."

Fritzsche maintained until practically the very end the most excellent relations with Dr. Goebbels. When the Tribunal consider the picture of total extremism and violent anti-semitism which the other defendants have painted of Goebbels it is difficult to imagine that the worship of his closest collaborator could have been based on innocent ignorance.

The prosecution submit that it is laughable that such a man should try and persuade you that it was in ignorance of these horrors that he went on exhorting and persuading the German people to tread the path to their doom. Fritzsche shares with Streicher, Rosenberg, Schirach the responsibility for the utter degradation of the German people so that "they shut the gates of mercy on mankind." It was because of them that such scenes as that in the Jewish cemetery at Schwetz on that Sunday morning in October 1939 occurred, when 200 of Keitel's decent Wehrmacht soldiers watched without a murmer the murder of that lorry-load of women and children. You will remember the story as three of them have told it:

"On Saturday evening I heard from a comrade in my company that on that day a number of Poles had been shot in the Jewish Cemetery. The talk about these facts went through the whole Company like lightning. On the following morning ... I went to the cemetery at 8 o'clock with two of my comrades from my Company. There I found a great number of soldiers belonging to the Companies of our Battalion and also from troops who were stationed in Schwetz. There were roughtly 200

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to 300 soldiers at the cemetery..... At 9:30 hours the bus arrived loaded with women and children. I stood near the mass graves which had been prepared beforehand and I saw a woman holding one little boy by the right hand and one or two girls by the other, walking from the bus to the grave. I then saw a few seconds later how the woman stood in the grave and one of the boys was handed down to her by the SS men. We then turned round and left because I did not want, nor could, witness the shooting of these children. Immediately after that I heard the shots... Shortly after that another bus arrived, loaded with Poles. An SS man shouted to the soldiers who stood around "Now you can all come in and watch." Then I went in once more and saw a group of four men step into the same mass grave in which the woman had been shot previously. They were ordered to lie down and then they were liquidated by shooting through the back of their heads from a very short distance. Flesh, brains and sand were flung around over the grave and dirtied the uniforms of the soldiers who were watching. About eighty soldiers stood too close to the edge of the grave. These happenings could also be seen by the civilian population from the windows of their houses opposite the Jewish cemetery."

You are asked to believe that these 21 Ministers and leading officers of State did not know about these matters - were not responsible. It is for you to decide.

Years ago Goethe said of the German people that some day fate would strike them...

"would strike them because they betrayed themselves and did not want to be what they are. It is said that they do not know the charm of truth, detestable that mist smoke and berserk immoderation are so dear to them, pathetic that they ingenuously submit to any mad scoundrel who appeals to their lowest instincts, who confirms them in their

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vices and teaches them to conceive nationalism as isolation and brutality."

With what a voice of prophecy he spoke - for these are the mad scoundrels who did these very things.

Some it may be are more guilty than others; some played a more direct and active part than others in these frightful crimes. But when these crimes are such as you have to deal with here - slavery, mass murder and world war, when the consequences of the crimes are the deaths of over 20,000,000 of our fellow men, the devastation of a continent, the spread of untold tragedy and suffering throughout the world, what mitigation is it that some took less part than others, that some were principals and others more accessories. What matters it if some forfeited their lives only a thousand times whilst others deserved a million deaths?

In one way the fate of these men means little: their personal power for evil lies for ever broken; they have convicted and discredited each other and finally destroyed the legend they created round the figure of their leader. But on their fate great issues must still depend, for the ways of truth and righteousness between the Nations of the world, the hope of future international cooperation in the administration of law and justice are in your hands. This trial must form a milestone in the history of civilization, not only bringing retribution to these guilty men, not only marking that right shall in the end triumph over evil, but also that the ordinary people of the world (and I make no distinction now between friend or foe) are now determined that the individual must transcend the State. The State and the law are made for man, that through them he may achieve a fuller life, a higher purpose and a greater dignity. States may be great and powerful. Ultimately the rights of men, made as all men are made in the image of God, are fundamental. When the State, either because as here its leaders have lusted for power and place, or under some specious

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pretext that the end may justify the means, affronts these things, they may for a time become obscured and submerged. But they are immanent and ultimately they will assert themselves more strongly still, their immanence more manifest. And so, after this ordeal to which mankind has been submitted, mankind itself - struggling now to reestablish in all the countries of the world the common simple things - liberty, love, understanding - comes to this Court and cries "These are our laws - let them prevail."

Then shall those other words of Goethe be translated into fact, not only, as we must hope, of the German people but of the whole community of man:

"-thus ought the German people to behave....giving and receiving from the world, their hearts open to every fruitful source of wonder, great through understanding and love, through mediation and the spirit - thus ought they to be; that is their destiny.

You will remember when you come to give your decision the story of Gruber, but not in vengeance -- in a determination that those things shall not occur again.

"The Father" -- do you remember? -- pointed to the sky, "and seemed to say something to his boy".

THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjourned until Monday 29 July 1946, at 1000 Hours.)